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Attorneys for Defendants Temujin Labs Inc.  
 (Delaware), Temujin Labs Inc. (Cayman), and the  
 Individual Defendants

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

ARIEL ABITTAN,  
  
 Plaintiff,  
  
 v.

LILY CHAO (A/K/A TIFFANY CHEN, A/K/A  
 YUTING CHEN), DAMIEN DING (A/K/A  
 DAMIEN LEUNG, A/K/A TAO DING),  
 TEMUJIN LABS INC. (A DELAWARE  
 CORPORATION), AND TEMUJIN LABS INC.  
 (A CAYMAN CORPORATION),

Defendants,  
  
 and  
 EIAN LABS INC.,  
  
 Nominal Defendant.

Case No.: 5:20-cv-09340

**REQUEST FOR JUDICIAL NOTICE  
 IN SUPPORT OF MOTION TO  
 DISMISS OR IN THE ALTERNATIVE  
 QUASH SERVICE OF SUMMONS**

Date: July 7, 2021  
 Time: 1:00 p.m.  
 Place: Courtroom 5, 4th Floor  
 Judge: Hon. Nathanael Cousins

1 Defendant Temujin Labs Inc. (Cayman) (“Temujin Cayman”) and the individual  
 2 defendants (“Individual Defendants” and, together with Temujin Cayman, the “Moving  
 3 Defendants”) hereby request that the Court take judicial notice of the documents, attached as  
 4 **Exhibits A through E** to the Declaration of Jennifer C. Bretan (“Bretan Declaration”), pursuant  
 5 to Rule 201 of the Federal Rules of Evidence. The documents to be considered are as follows:

6 1. The certificate of incorporation of Temujin Labs, Inc. (“Temujin Delaware”), as  
 7 filed with the Delaware Secretary of State and registered agent entity details published online by  
 8 the Delaware Division of Corporations (last accessed March 30, 2021, available at  
 9 <https://icis.corp.delaware.gov/ecorp/entitysearch/NameSearch.aspx>, search entity name “Temujin  
 10 Labs Inc”), true and correct copies of which are attached as **Exhibit A** to the Bretan Declaration.

11 2. The Cayman Islands General Registry Report for Temujin Labs Inc. (Cayman)  
 12 (“Temujin Cayman”), a true and correct copy of which is attached as **Exhibit B** to the Bretan  
 13 Declaration.

14 3. The Town of Atherton Zoning Map, as published online by the Town of Atherton  
 15 (last accessed May 24, 2021, available at [https://www.ci.atherton.ca.us/DocumentCenter/View](https://www.ci.atherton.ca.us/DocumentCenter/View/286/Zoning24x36_001?bidId=)  
 16 [286/Zoning24x36\\_001?bidId=](https://www.ci.atherton.ca.us/DocumentCenter/View/286/Zoning24x36_001?bidId=)), a true and correct copy of which is attached as **Exhibit C** to the  
 17 Bretan Declaration. For the Court’s convenience, Exhibit C also includes an enlarged portion of  
 18 the map noted to identify 69 Isabella Avenue, Atherton, California 94027 (“69 Isabella Ave.”).

19 4. Property tax records of 69 Isabella Ave. (assessor’s parcel number 070250400) as  
 20 published by the County of San Mateo Tax Collector (last accessed May 24, 2021, available at  
 21 [https://sanmateo-ca.county-taxes.com/public/property\\_tax/accounts/070-250-400](https://sanmateo-ca.county-taxes.com/public/property_tax/accounts/070-250-400)), true and  
 22 correct copies of which are attached as **Exhibit D** to the Bretan Declaration.

23 5. Records of transfer for 69 Isabella Ave. since 1985 as published by the San Mateo  
 24 County Assessor, County Clerk-Recorder’s Office (last accessed May 24, 2021, available at  
 25 <https://apps.smcacre.org/recorderworks/>; then “Search by (APN) Assessor Parcel Number”; then  
 26 search “070250400”) and record of grant deed transfer for parcel 070250400 to Nessco  
 27 Investments LLC, true and correct copies of which are attached as **Exhibit E** to the Bretan  
 28 Declaration.

**I. EXHIBITS A THROUGH E ARE PROPERLY SUBJECT TO JUDICIAL NOTICE PURSUANT TO FRE 201**

Courts may take judicial notice of information made publicly available by government entities. *See United States Small Bus. Admin. v. Bensal*, 853 F.3d 992, 1003 n.3 (9th Cir. 2017) (“It is appropriate to take judicial notice of this information, as it was made publicly available by government entities.”); *Daniels-Hall v. Nat’l Educ. Ass’n*, 629 F.3d 992, 998-99 (9th Cir. 2010) (“It is appropriate to take judicial notice of this information, as it was made publicly available by government entities (the school districts), and neither party disputes the authenticity of the web sites or the accuracy of the information displayed therein.”). Exhibits A, B, C, D, and E are records available from government entities including the Delaware Secretary of State, the Cayman Islands General Registry, the Town of Atherton, the County of San Mateo Tax Collector, and the San Mateo County Assessor, County Clerk-Recorder’s Office respectively. Consequently, the records are properly subject to judicial notice, as they are reliable sources whose accuracy cannot reasonably be questioned. Moving Defendants offer Exhibits A and B to demonstrate that Paracorp is Temujin Delaware’s registered agent for service of process, that Paracorp is not a registered agent of Temujin Cayman, and that Temujin Cayman’s registered address is in the Cayman Islands. Exhibits C, D, and E are offered to demonstrate judicially noticeable facts about 69 Isabella Ave.: that it is zoned R-1A<sup>1</sup> for residential use, that the parcel number for the property is 070250400, and that Nessco Investments LLC is the owner of record.

For the reasons set forth above, Moving Defendants respectfully request that the Court consider **Exhibits A through E** to the Bretan Declaration.

Dated: May 28, 2021

FENWICK & WEST LLP

By: /s/ Jennifer C. Bretan  
Jennifer C. Bretan

Attorneys for the Individual Defendants and  
Temujin Labs Inc. (Cayman)

<sup>1</sup> Atherton Mun. Code 17.32 (Residential District R-1A) and 17.48 (Home Occupations) available at [www.codepublishing.com/CA/Atherton/#!/Atherton17/Atherton17.html](http://www.codepublishing.com/CA/Atherton/#!/Atherton17/Atherton17.html).